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HEALTH CARE SERVICE CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SERENA SOFTWARE, INC.,

Plaintiff and
Counter-Defendant,

vs.

HEALTH CARE SERVICE CORP.,

Defendant and
Counter-Claimant.

Case No. C 08-05472 RS

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING HEARING DATE AND
BRIEFING SCHEDULE ON MOTION TO
DISMISS/MOTION FOR JUDGMENT ON
THE PLEADINGS**

Date: May 20, 2009
Time: 9:30 a.m.
Place: Courtroom 4, 5th Floor
Judge: Hon. Richard Seeborg

Plaintiff and Counter-Defendant Serena Software, Inc. ("Serena") and Defendant and Counter-Claimant Health Care Service Corp. ("HCSC") hereby stipulate and agree, by and through their undersigned counsel of record, as follows:

WHEREAS, HCSC filed its Motion to Dismiss/Motion for Judgment on the Pleadings on March 19, 2009 before Judge Jeffrey S. White;

WHEREAS, this case was transferred to Magistrate Judge Richard Seeborg on March 31, 2009 and the briefing schedule and hearing date were vacated;

WHEREAS, counsel for Serena and counsel for HCSC met and conferred to establish a mutually agreeable briefing schedule for HCSC's Motion to Dismiss/Motion for Judgment on the Pleadings;

THEREFORE, the parties, by and through their counsel of record, hereby stipulate, and jointly move the Court to set the hearing on Defendant's Motion to Dismiss/Motion for Judgment on the Pleadings on May 20, 2009, or as soon thereafter as the Court's calendar permits. The parties also hereby stipulate and jointly move the Court for the following briefing schedule:

1. Opposition papers shall be due on April 24, 2009;
2. Reply papers shall be due on May 6, 2009.

Dated: April 1, 2009

MORGAN, LEWIS & BOCKIUS LLP

By /s/
Melinda S. Riechert

Attorneys for Plaintiff
SERENA SOFTWARE, INC.

Dated: April 1, 2009

McDERMOTT WILL & EMERY LLP

By /s/
Philip C. Ducker

Attorneys for Defendant
HEALTH CARE SERVICE CORP.

ORDER

Pursuant to the Stipulation between the parties, it is hereby ORDERED that this matter is set for a hearing on May 20, 2009, at 9:30 a.m. on Defendant's Motion to Dismiss/Motion for Judgment on the Pleadings.

Further pursuant to the Stipulation, it is hereby ORDERED that the opposition to the motion shall be filed no later than April 24, 2009 and a reply brief shall be filed no later than May 6, 2009.

IT IS SO ORDERED.

Dated: __ April 2, 2009



The Hon. Richard Seeborg
United States Magistrate Judge